

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4107 OF 2007

IN

FIRST APPEAL NO.1780 OF 2007

IN

SPECIAL CIVIL SUIT NO.805 OF 2001

Rashtriya Cargo Movers .. Applicant

Vs.

New India Assurance Co.Ltd & Anr.. Respondents

Mr.N.K.Kamat for the applicant

Mr.Manoharlal Bansal for the respondents

**CORAM : J.N.PATEL &
A.A.SAYED, JJ.**

DATED : 28TH AUGUST, 2007

P.C.:

1. Heard.

2. The application is filed by the respondent Insurance Company for allowing them to withdraw the amount deposited by the appellant and it is submitted that in case the appellant succeeds they would refund the amount with interest.

3. Another submission which is made before this court is that the appellant has deposited the principal amount of Rs.20,14,000/- whereas the court has granted the decree with interest @ 6% p.a. and therefore, the appellant should be further directed to deposit the interest on the said amount.

4. We find that by directing the appellant to deposit the principal amount which has been invested in a nationalised bank in term deposit, the interest by the respondent is sufficiently secured and, therefore, the application is rejected with no order as to costs.

(J.N. PATEL, J)

(A.A. SAYED, J)